uncertainty about the effect of groups in the policy process, and they point to the large-scale interest group surveys of the 1980s as promising examples.

Yet, this answer overlooks the fundamental problem in determining the role of groups in the policy process, namely, the failure to construct counterfactuals that can establish causal links between the actions of groups and the various outcomes in the policy process that groups strive to influence, such as agendas, issue interpretations, the content of policy options, the decisions of public officials, and the implementation and enforcement of approved policies. Broadening the empirical scope of influence studies and paying greater attention to context are not necessarily going to lead to the construction of more successful counterfactuals. Indeed, they are likely to make the construction even more difficult by significantly increasing the amount of data that must be collected.

Constructing convincing counterfactuals requires the collection of substantial information about the strategies, resources, and positions of all who are involved in the policy (or policies) under investigation, and some of this information is extremely difficult to gather. Indeed, the practice in recent decades of narrowing the scope of empirical investigations of group influence is a direct result of scholars trying to manage the data collection effort. Broadening the empirical scope of such studies may be necessary, but it will require a level of scholarly effort and financial support that is beyond anything attempted so far in the study of interest groups.

Despite the lack of attention to the counterfactuals, *Basic Interests* is still an excellent guide to where the literature has advanced and where it has not. It assumes, however, that the reader is familiar with much of the literature being reviewed and does not go into great detail about any particular theory or body of work. Therefore, it is not appropriate for introductory undergraduate courses, but it is an excellent reference for all faculty who teach courses in interest groups and American politics. It is also appropriate for advanced undergraduate and graduate courses with a strong emphasis on interest groups, as well as for undergraduate senior seminars and introductory scope and methods graduate courses with an emphasis on epistemological issues and the development of political science as a science.

Mistaken Identity: The Supreme Court and the Politics of Minority Representation. By Keith J. Bybee. Princeton, NJ: Princeton University Press, 1998. 194p. $55.00.

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In a series of contentious, confusing, and contradictory opinions beginning with *Shaw* v. *Reno* (1993), the Supreme Court has outlawed some but not all congressional and state legislative districts that were designed to ensure that African-American and Latino voters had genuine opportunities to elect candidates of their choice. Citing only Supreme Court opinions and a small part of the huge secondary literature on voting rights and redistricting, Keith Bybee claims that, in voting rights cases, "conservatives" and "progressives" have fundamentally struggled over the definition of "who 'the people' are" (p. 7), but his own analysis and prescriptions are not persuasive. He too readily dismisses or ignores empirical scholarship, disregards many Supreme and lower court opinions that do not fit his scheme, and provides no justification in logic or constitutional law for his key proposal.

Since 1993, Bybee maintains, the five-person majority of Chief Justice William Rehnquist and justices Anthony Kennedy, Sandra Day O'Connor, Antonin Scalia, and Clarence Thomas has consistently adopted an individualist notion of political identity, while the four-person dissenting minority of Stephen Breyer, Ruth Bader Ginsburg, David Souter, and John Paul Stevens (and Harry Blackmun and Bryon White before their retirement) has consistently considered political identity to be group based. Instead, Bybee urges the Court to base its jurisprudence on the idea of "political deliberation," a basis that he believes will tend to reunite the fractured public and strengthen the role of the Court itself. In less exalted terms, he opposes the actual or effective repeal of Section 2 of the Voting Rights Act, which under *Thornburg* v. *Gingles* (1986) protects large, geographically compact minorities against repeated defeats by white majorities in racially polarized elections. This would guarantee diversity in legislative membership, he contends. To encourage deliberation, he would have the Court force redistricting to be bipartisan.

A political theorist, Bybee scorns those who believe debates may turn on "simple matters of fact," who support their arguments with "an immense amount of historical detail," or who reduce complexities to "a few bits of numerical data" (pp. 63, 43, 55). Empiricists such as Justice Byron White or political scientist Bernard Grofman, who employ qualitative or quantitative evidence to determine the intent or effect of electoral laws on minority representation, Bybee announces, are guilty of "evasion of theoretical issues" or "evasion of conceptual issues" (pp. 60, 115). In contrast, Bybee neither analyzes data himself nor evaluates the conflicting empirical literature on disputed topics. Rather, he merely adopts convenient assumptions about reality: Political identity, he asserts, "develops during the process of debate and discussion, making it possible for decisions to be made in the common interest" (p. 171). Bipartisan redistricting "loosens incumbents' grip on their constituencies and keeps the legislature responsive to the electorate as a whole. Through conflict and counterargument, policy is made in the common interests of all" (p. 169).

Bybee's selective treatment of legal cases undermines his statements about the nature and consequences of Supreme Court opinions. His contention that *Mobile* v. *Bolden* (1980) showed "the search for discriminatory intent in the design of political institutions was likely to be fruitless" (p. 23), for example, is weakened by the fact that the plaintiffs successfully proved such an intent when the case was remanded to the district court. His description of the Supreme Court as a representative of "the people as a whole" (p. 37) ignores the body's self-conscious role after the famous footnote 4 of *United States* v. *Carolene Products* (1938) as the special guardian of the rights of "discrete and insular minorities," as well as its more common historical role as the guardian of majority persecution of those minorities in such cases as *Dred Scott* v. *Sandford* (1857) and *Korematsu* v. *United States* (1944). Bybee's declaration that group and individual conceptions of rights form the central issue and dividing line in voting rights cases is undercut by the existence of other dividing lines (intent versus effect; symbolic versus real harm; descriptive representation versus influence; judicial activism versus deference to Congress, the Department of Justice, or state legislatures), none of which is discussed systematically, as well as by the inconsistency with which both sides have held to the group and individual conceptions.

In *Shaw* v. *Reno*, for example, Justice O'Connor, an individualist in Bybee's scheme, posits three symbolic or "expressive" harms to "our society" that ungainly minority opportunity districts may produce: stereotyping, exacerbating

racially polarized voting, and cuing representatives to be attentive to only one group in a district. Because, as she notes, redistricting "does not classify persons at all; it classifies tracts of land, or addresses," none of these three alleged harms, which are crucial to her opinion, is really based on an individualized notion of political identity. In *Davis* v. *Bandemer* (1986), the case in which the Court ruled partisan gerrymandering justiciable and which Bybee, surprisingly, does not discuss, O'Connor would have denied the Democrats standing to sue because, unlike "racial minority groups," they "cannot claim that they are a discrete and insular group vulnerable to exclusion from the political process by some dominant group." Since at least the 1840s, during the first Boston school integration struggle, racial progressives have condemned irrational distinctions that harm individuals and the use of what Justice Thurgood Marshall later called "crude, inaccurate racial stereotypes" (*Batson* v. *Kentucky* [1986]).

Bybee derives his "political deliberation" theme from his speculative extension of Chief Justice Earl Warren's discussion in *South Carolina* v. *Katzenbach* (1966) of the care with which Congress considered the initial Voting Rights Act. Warren, Bybee says, "seemed to suggest" that jurisdictions which were required to submit changes in their electoral laws to Congress before putting them into effect should conduct "Congress-like deliberations," should "deliberate on behalf of the entire people" (pp. 85, 155). But Warren did not say this, the Department of Justice has never mandated it, and the bargaining over election laws and redistricting seldom resembles the "nondiscriminatory deliberation . . . broad legislative learning" that Bybee imagines (p. 87).

Even granting the possibility of "deliberation about the interests that all hold in common as well as the policies best suited to serve those interests" (p. 154), the logical connections between this utopia and race-conscious and bipartisan redistricting are unclear. Mandatory bipartisan gerrymanders may reduce minority influence and representation, and cross-party redistricting deals or minority representation may inhibit, rather than foster, a polite search for legislative consensus. These are empirical questions that Bybee does not pursue. Curiously, in a book on constitutional law, Bybee makes no effort to tie bipartisanship or deliberation to any constitutional phrase, doctrine, or theory. Is the Constitution a mandate for the majority of the Supreme Court to institute any political notion it fancies?

The Color Bind: California's Battle to End Affirmative Action. By Lydia Chavez. Berkeley: University of California Press, 1998. 305p. $40.00 cloth, $13.56 paper.

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Racial/ethnic diversity is a defining feature of U.S. politics, especially in California, the most ethnically diverse of the fifty states. At the same time, "direct democracy" has become increasingly important to both scholars and policymakers. California has historically been a leader in the use of the initiative process, which allows citizens to petition to place policy questions directly on the statewide ballot for a popular vote. Indeed, the connection between demographic change and the increased interest in direct democracy is probably not coincidental. Scholarly and popular literature suggests the availability of the initiative process combined with high racial/ethnic diversity has fueled a white backlash in California politics (Peter Schrag, *Paradise Lost: California's Experience, America's Future*, 1998). This is a central question for readers of Lydia Chavez's book.

As are other recent books on direct democracy, *The Color Bind* is extremely well written. It focuses on the 1996 passage of the California Civil Rights Initiative (CCRI), Proposition 209, which ended affirmative action programs in government employment, contracts, and college admissions. Most current research on direct democracy focuses on policy outcomes or initiative voting, but Chavez, as does Daniel Smith (*Tax Crusaders and the Politics of Direct Democracy*, 1998), shows us the *process* behind initiative campaigns. By tracing the evolution of Proposition 209—motivations of the sponsors, drafting the language of the constitutional amendment, the petition phase and collection of a million signatures, and the general election campaign—the book provides an excellent case study in how initiative politics actually work.

The author draws on extensive interviews with hundreds of individuals. With the objectivity and even-handedness of an experienced reporter, she pulls the curtain back to reveal the real politics—complicated, nasty, and often humorous—that surrounded one of the most important ballot measures of the decade. The November 1996 election, in which Proposition 209 was on the ballot, was also a presidential election year. The book is the story of national party politics, presidential hopefuls, race, and gender intertwined with a state-level initiative campaign. Chavez's book elucidates the connection between candidate and issue elections, something not well understood by political scientists.

The emphasis on process is evident in even the smallest details. In the first 123 pages of the book, the initiative is referred to by its formal title, the California Civil Rights Initiative (CCRI). On page 124 the initiative is christened by the Election Commission with a new title, Proposition 209, once it qualified for the general election ballot. This name change signals an important distinction between the two major phases in an initiative campaign: (1) the drafting and petition stage and (2) the general election campaign. Different actors, politics, and processes dominate the two stages.

An important theme is the power of state ballot initiatives in setting the political agenda at the national level, even in a presidential election year. Chavez illustrates how the process can turn "personal opinions into law" (p. 81). In this case, the ideas of two academics from northern California, Custred and Wood, would become part of the state constitution. According to Chavez, the initiative process takes "complex policy issues—ones like abortion, gay rights, and civil rights that the courts and legislatures had tussled with for years—and puts them into the political arena where money and sound bites counted most" (p. 81). The process, however blunt, is an important catalyst for policy change, both progressive and reactionary.

As Chavez tells us (see also Paul Sniderman and Edward Carmines, *Reaching Beyond Race,* 1997, and Daniel Smith, *Tax Crusaders*, 1998), the case of Proposition 209 reveals the importance of framing and wording initiatives for their success at the ballot box. The measure's name, the California Civil Rights Initiative, appropriated the ideals of Martin Luther King, Jr., and the 1960s civil rights movement. Not only were the sponsors important in drafting ballot language but also the attorney general of California, who has the sole authority to write the one-hundred word initiative title and summary, which are all that many voters read. The summary stated that Proposition 209 would prohibit local and state government entities from "discriminating against or giving preferential treatment" based on race, sex, ethnicity, or national origin. Nowhere did the title, summary, or text inform voters that the initiative would have any effect on affirmative action programs. State and national polls clearly showed that voters wanted to ban "preferential treatment,"